

## Update: Friend of the Court Domestic Violence Resource Book

### CHAPTER 5

#### Evidence in Criminal Domestic Violence Cases

##### 5.4 Federal Information-Sharing Requirements

On October 8, 2002, the Michigan Supreme Court permanently adopted Administrative Order 2002-03, which implements 42 USC 654(26). Administrative Order 2002-07. Administrative Order 2002-03 provides:

“The friends of the court shall adhere to the following rules in managing their files and records:

“(1) When the Family Violence Indicator is set in the statewide automated child support enforcement system for an individual in an action, that individual’s address shall be considered confidential under MCR 3.218(A)(3)(f).

“(2) Friend of the court offices shall cause a Family Violence Indicator to be set in the statewide automated child support enforcement system on all the files and records in an action involving an individual when:

(a) a personal protection order has been entered protecting that individual,

(b) the friend of the court becomes aware of an order of any Michigan court that provides for confidentiality of the individual’s address, or denies access to the individual’s address,

(c) an individual files a sworn statement with the office setting forth specific incidents or threats of domestic violence or child abuse, or

(d) the friend of the court becomes aware that a determination has been made in another state that a

disclosure risk comparable to any of the above risk indicators exists for the individual.

“(3) When the Family Violence Indicator has been set for an individual in any action, the Family Violence Indicator shall be set in all other actions within the statewide automated child support enforcement system concerning that same individual.

“(4) When the Family Violence Indicator has been set for a custodial parent in any action, the Family Violence Indicator shall also be set for all minors for which the individual is a custodial parent. When the Family Violence Indicator has been set for any minor in an action, the Family Violence Indicator shall also be set for the minor’s custodian.

“(5) The friend of the court office shall cause the Family Violence Indicator to be removed:

(a) by order of the circuit court,

(b) at the request of the protected party, when the protected party files a sworn statement with the office that the threats of violence or child abuse no longer exist, unless a protective order or other order of any Michigan court is in effect providing for confidentiality of an individual’s address, or

“(c) at the request of a state that had previously determined that a disclosure risk comparable to the risks in paragraph two existed for the individual.

(6) When the Family Violence Indicator has been removed for an individual in any action, the Family Violence Indicator that was set automatically for other persons and cases associated with that individual shall also be removed.”